

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

CRYSTAL HAWKINS (8)

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Case No. 4:07cr189
(Judge Schneider)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 16, 2011, to determine whether Defendant violated her supervised release. Defendant was represented by Denise Benson. The Government was represented by Maureen Smith.

On July 10, 2008, Defendant was sentenced by the Honorable Michael H. Schneider to eight (8) months and five days' custody followed by three years of supervised release for the offense of Conspiracy to Distribute and Possess with Intent to Distribute Methamphetamine, Gamma Hydroxybutrate, Methylenedioxy-Methamphetamine, or Marijuana. On February 24, 2009, Defendant completed her period of imprisonment and began service of her supervised term.

On May 23, 2011, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated various mandatory, standard, and special conditions. Violation allegations three, four, and five were dismissed by the Government. The petition also alleged violation of the following additional mandatory conditions: (1) the defendant shall not illegally possess a controlled substance; and (2) the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment or placement on probation and at least two periodic drug tests

thereafter, as directed by the probation officer. The petition alleges violation of the following special condition: (1) the defendant shall reside in a residential reentry center or similar facility, in a prerelease component for a period of 180 days to commence when can be scheduled by the probation officer and shall observe the rules of that facility.

The petition alleges that Defendant committed the following acts with regard to the remaining allegations: (1) On June 24, 2010, Defendant provided a urine specimen which tested positive for amphetamine/methamphetamine; (2) On September 7, 2010, Defendant provided a urine specimen and substituted urine, which was analyzed as not consistent with normal human urine; and (3) Defendant entered the County Rehabilitation Center on January 4, 2011. On April 26, 2011, Defendant was terminated as a program failure after serving 112 days of the 180 days ordered by the Court.

Prior to the Government putting on its case, Defendant entered a plea of true to the violation. The Court recommends that Defendant's supervised release be revoked. The Court finds the guideline range in this case is eighteen to twenty-four months.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months with no supervised release to follow. It is also recommended that Defendant be housed in a medical facility within the Bureau of Prisons and that Defendant undergo drug treatment.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 16th day of September, 2011.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE